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4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN JOSE DIVISION**
7

8 UNITED STATES OF AMERICA,) No. CR-10-00562 JF
9 Plaintiff,) **[PROPOSED] ORDER**
10 v.) **RESCHEDULING STATUS**
11 THOMAS O'MEARA,) **CONFERENCE AND**
12) **EXCLUDING TIME FROM THE**
13 Defendant.) **SPEEDY TRIAL ACT**
14) **[18 U.S.C. § 3161(h)(8)(A)]**

15 This matter is currently set for status on March 17, 2011. The parties
16 now jointly request that the March 17, 2011 hearing date be reset to April 28,
17 2011 to allow the U.S. Attorney to produce and defense counsel to review
18 additional discovery in the case. The parties agree, and the Court finds and
19 holds as follows:

- 20 1. The currently scheduled March 17, 2011 hearing date is hereby
21 vacated.
- 22 2. This matter is set for status on April 28, 2011 at 9:00 a.m.
- 23 3. The time between March 17, 2011 and April 28, 2011 is excluded
24 under the Speedy Trial Act. The parties agree that the failure to grant the
25 requested continuance would unreasonable deny defense counsel reasonable

1 time necessary for effective preparation, taking into account the exercise of due
2 diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree that the ends of
3 justice are served by granting the continuance outweigh the best interest of the
4 public and the defendant in a speedy trial and in the prompt disposition of
5 criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

6 STIPULATED:

7 DATED:

/s/

8 Jeane DeKolver
9 Attorney for Tom O'Meara


10 DATED:

/s/

11 Joseph Fazioli
12 Assistant United States Attorney

13 IT IS SO ORDERED.

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15 DATED: 3/16/11

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Jeremy Fogel
United States District Judge